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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/600,567	06/20/2003	Graham Hume	· PINE-001	9640	
7590 09/28/2005			EXAMINER		
WAGNER, M Third Floor	IURABITO & HAO	DIXON, MERRICK L			
Two North Ma	rket Street	ART UNIT	PAPER NUMBER		
San Jose, CA 95113			1774		
			DATE MAILED: 09/28/200	DATE MAILED: 09/28/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Total Nation Art Unit Art			Applicat	ion No.	Applicant(s)			
Merrick Dixon 1774			10/600,5	67	HUME, GRAHAM			
Preiod for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions time may be available under the provision of 30 FR 113(6) in no event, however, may reply be timely filed 3 NO period for reply a specified above, the maximum statutory priods will apply and will again a SIX (9) MONTHS from the mailing date of this communication. Pallutes to report within the sid or excended period for regly is specified above, the maximum statutory priods will apply and will again a SIX (9) MONTHS from the mailing date of this communication. Pallutes to report within the sid or excended period for regly is specified above, the mailing date of this communication. Pallutes to report within the sid or excended period for regly is specified above, the mailing date of this communication. Pallutes to report within the sid or excended period for regly in the section of the side of the communication, even if timely filed, may reduce any service specified to the section of the section of the section of the section of the mailing date of this communication. 1) □ Responsive to communication(s) filed on 22 July 2005. 2a) □ This action is FINAL. 2b) ☑ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☑ Claim(s)	Office Action Summary		Examine	r	Art Unit			
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Applicant's election without traverse of claims 1-9 in the reply filed on 7-22-05 is acknowledged.

2

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In line 4, the phrase "ligneous material" is not understood. What makes any material ligneous?

3

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richards et al(US 6306317 B1).

The cited reference teaches the basic claimed process including creating water based slurry of boron salts, adhesive material and mixing them together to form a fire retardant material- col 1, lines 50-60; col 9, lines 59-67; col 11, lines 58-65. It is submitted the mixtures would be independently added together, during the cited patent's process in

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the absence of unexpected results. Concerning claims 2,6-9, it is submitted the formed product, including its density, strength, w/w characteristics and compliance, i.e., types material used, are limitations directed to article limitations and are of no patentable consequences to the instant question for patentability which must be manipulatively distinct. It is submitted, however, such product properties would have been obvious if not taught and in the absence of unexpected results. Concerning claim 3, the reference teaches adding numerous material in its mixtures during the patented process- see above. The reference teaches ph manipulations- col 3, lines 29-45. as required by claim 4. It is submitted the boron particle sizes would inevitably decrease during their suspension in the aqueous universal solvent, water. This would be expected as required by claim 5.

5

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Metzner et al(US 4935457) and Richards et al(US 6517748) are cited of interest for their respective teachings and additionally to show the state of the art.

6

Applicants who wish to send a facsimile (draft copies) for the examiner's immediate review can do so by using the Examiner's personal fax number at 571-273-1520. The faxing of all papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 (November 15, 1989). **NOTE: All facsimiles sent to the examiner's**

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personal fax number should be in draft-forms and will be treated as informal.

Same facsimiles will not be entered in the related applications unless

otherwise agreed and noted by the examiner.

The fax number for all other fascimile is 571-273-8300.

Information about the status of an application may be obtained from the Patent

Information Retrieval system (Private PAIR).

Status inquires for published applications may be retrieved from either Private PAIR

or Public PAIR. Questions about the PAIR system should be directed to the Electronic

Business Center at 866-217-9197.

Any questions concerning the instant communication should be directed to Examiner

Dixon, at 571-272-1520, Mondays to Thursdays, between 12 noon and 8 PM, eastern

time. The examiner's supervisor, Mrs. Rena Dye, can be reached at 571-272-3186.

Merrick Dixon

Primary Examiner

Group 1700